



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/208,942 12/10/98 KETCHUM

R 09857/009001

EXAMINER

TM02/0925

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BOSTON MA 02110-2804

NGUYEN, N  
ART UNIT

PAPER NUMBER

2164

DATE MAILED:

09/25/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/208,942

Applicant(s)

Ketchum et al.

Examiner

Nguyen Nga B

Art Unit

2164



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 10, 1998
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirements.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

Art Unit: 2164

### DETAILED ACTION

1. This Office Action is the answer to the communication filed on December 10, 1998 , which paper has been placed of record in the file.
2. Claims 1-20 are pending in this application.

#### *Drawings*

3. The drawings are objected to because of the Draftsperson's notice, see form PTO-948 for detail. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

#### *Claim Rejections - 35 USC § 112*

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*
5. Claims 11-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2164

Regarding to claims 11 and 17, the preamble says it's a system, but no means or structure are found to perform the desired result.

*Claim Rejections - 35 USC § 102*

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kalmus et al, U.S. Patent No. 4,674,044.

Regarding claim 1, Kalmus discloses a method for quoting securities in a market maker quotation system, executed over a networked computer system, the method comprising: posting a bid and offer price for a security for a proprietary account of a market maker (column 2, line 29- column 5, line 60), and to reflect a customer order or interest, posting a bid an/or offer price of the customer for the security in an agency account of the market maker (column 9, lines 65).

(Note: If the market maker merely adjusts his quote to reflect the price of the customer, he has at least at one time posted a bid and offer price for the proprietary account and then at another time posted a bid or offer of the customer after the adjustment. In other words, note that the claim does not require a separate quote simultaneously displayed with the other quote and does not describe the format in which the quote must be displayed. Note also that the claim does specify

Art Unit: 2164

which computer the posting is to be done to and thus does not require the posting be done to the same computer. In other words, if the customer bid or offer is merely shown at one of the workstations and the other quote is posted somewhere else, the claim is met).

Regarding claim 2, Kalmus further discloses posting for the proprietary account comprises: entering a quote for bid and offer prices into a quote system; and sending the quote to a server that disseminates the bid and offer quotes from the market maker with quotes for the same security from a plurality of other market makers (column 2, line 29-column 4, line 50).

Regarding claim 3, Kalmus further discloses quotes by the market maker and the plurality of other market makers are identified by unique market maker identifiers (column 3, lines 10-15 and column 5, lines 55-60).

Regarding claim 4, Kalmus further discloses posting in response to a client order comprises: entering a quote for the bid and/or offer into the quote system over a different session of the quote system than posting of a quote for a proprietary account; and sending the agency quote to a server that disseminates that agency quote with other quotes for the same security from the plurality of other market makers (column 2, line 29-column 5, line 60).

Regarding claim 5, Kalmus further discloses each agency quote that is entered by the market maker is identified with a unique market maker agency identifier (column 3, lines 10-15 and column 5, lines 55-60).

Regarding claim 6, Kalmus further discloses posting for a proprietary account further comprises: using the unique market maker identifier corresponding to the market maker that is

Application/Control Number: 09/208,942

Art Unit: 2164

different from market maker identifiers for a plurality of other market makers, and wherein posing in an agency account further comprises: using a unique market maker agency identifiers for the agency quote that is posted by the market maker that is different from market make agency identifiers for a plurality of other market makers (column 3, lines 10-15 and column 5, lines 55-60).

Regarding claim 7, Kalmus further discloses receiving posted proprietary quotes and agency quotes by a server that disseminates quotes from the market maker and a plurality of other market makers for the same security (column 5, lines 30-45).

Regarding claim 8, Kalmus further discloses sending the bid and ask proprietary quotes from the market maker to the plurality of other market makers and the public for the same security, identifying the bid and ask proprietary quotes by the unique market maker identifiers; and sending the bid and/or ask quotes from the agency account of the market maker to the plurality of other market makers and the public for the same security identified by a market maker agency identifier (column 5, lines 30-60).

Regarding claim 9, Kalmus further discloses sorting the quotes by best bid and best offer so that a public display of the quotes displays the best bid and best offer quotes on the top of the display (column 5, lines 30-45).

Regarding claim 10, Kalmus further discloses a method for quoting securities executed over a networked computer system, the method comprising:

Art Unit: 2164

posting a bid and offer price for a security for a proprietary account, using a unique market maker identifier corresponding to a market maker that is different from market corresponding to a market maker that is different from market maker identifiers for a plurality of other marker makers (column 2, line 29-column 5, line 60); and in response to a customer order,

posting a bid and/or offer price of the customer for the security in an agency account, using a unique market maker agency identifier for the agency quote that is posted by the market maker that is different form marker make agency identifiers for the plurality of other market makes (column 9, lines 50-65); and

sending the agency quote to a server that disseminates that agency quote with other quotes for the same security from the plurality of other marker makers (column 5, lines 30-45).

(See the note in claim 1 for more details).

Claims 11-18 are system claims that parallel limitation as found in claims 1-9 above, therefore, are rejected by the same rationale.

Claims 19-20 are written in computer software that are parallel limitation as found in claims 1 and 6 above, therefore, are rejected by the same rationale.

### ***Conclusion***

8. Claims **1-20** are rejected.

Art Unit: 2164

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Friday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

10. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks

c/o Technology Center 2700

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**or:**

(703) 308-5397 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,

2121 Crystal Drive, Arlington.

VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-3900.

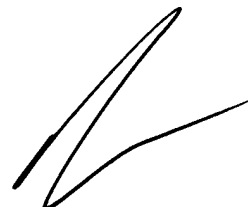


Application/Control Number: 09/208,942

Page 8

Art Unit: 2164

Nga B. Nguyen  
September 17, 2001

A handwritten signature in black ink, consisting of a large, stylized 'V' followed by a horizontal line and a small upward stroke.

**VINCENT MILLIN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**